



**IN THE UNITED STATES PATENT & TRADEMARK OFFICE
PATENT EXAMINING DIVISION**

IN RE APPLICATION OF : M. Everett Weiser
SERIAL NO. : 10/696,340
FILED : October 29, 2003
TITLE : Peach Tree Named Weiser

Examiner Susan McCormick
Art Unit 1661
Our Docket ACN-30-5804

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear sir:

This amendment is filed in response to the office action issued by examiner McCormick dated March 08, 2004.

In the office action, the examiner raises several objections under 35 USC § 112. These objections, as well as the responses to each of them are noted below.

A. The rootstock has now been identified on page 2 of the specification as Lovell.

It is unpatented.

B. The attributes of the flower petal has now been inserted on page 4.

Furthermore, the dimensions of the flower petal have been spelled out.

C. The recitation "Medium" at lines 15-16 on page 5 has now been replaced with the observation that the resistance to insects and diseases is similar to that of other cultivars commonly grown in the Eastern United States".

D. Information concerning the reproductive organs has now been inserted on page 4 of the specification.